



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: FOO - 175483

PRELIMINARY RECITALS

Pursuant to a petition filed on July 12, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services regarding FoodShare benefits (FS), a hearing was held on August 10, 2016, by telephone.

The issue for determination is whether Petitioner's FoodShare case correctly closed for lack of timely submission of a six month report form.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: [REDACTED]
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner's FoodShare was discontinued July 1, 2016 for failure to timely submit a six month report form.

3. Petitioner was sent an April 18, 2016 notice that informed him that he would receive a six month report form in a month and that it should be returned by June 5, 2016.
4. A six month report form was sent to Petitioner on May 23, 2016.
5. The agency had not received Petitioner's six month report form as of June 17, 2016 and a notice was issued that day informing Petitioner that his FoodShare would be discontinued effective July 1, 2016.
6. Petitioner came into the agency offices on July 12, 2016 and completed the six month report form. Benefits for July 2016 were issued as of July 12, 2016.
7. Petitioner is homeless but uses the above address for mailing purposes and all of the notices involved here were sent to Petitioner at the above address.

DISCUSSION

The six month report form submission requirements are described in the FoodShare Wisconsin Handbook at §6.1.2:

6.1.2 Six Month Reporting Requirement

Food units certified for 12 months, and subject to reduced change reporting requirements, are required to submit a six-month report form (SMRF) in the sixth month of the certification period. Self-employment income that has already been averaged does not need to be re-verified, unless a significant change is reported.

- The following changes in income must be reported on the SMRF for FoodShare members:
 - A change of \$50 or more in unearned income based on the most recently verified amount.
 - Changes in earned income (from the most recently verified information) that must be reported includes:
 - Rate of pay,
 - Number of hours worked,
 - Loss of job,
 - Change from full to part-time, or
 - New employment.
- Income verification at SMRF is only required for employment that meets the criteria listed above. An IM worker should not request verification of previously verified earned income that has not changed.
- Other changes that must be reported on the interim report are:
 - Household composition (persons that have moved in or out, including newborns)
 - New [address](#) and resulting changes in shelter expenses
 - Change in legal obligation to pay [child](#) support ([4.6.5](#))

The paper SMRF form and the online form are available to members on ACCESS Renew My Benefits (RMB) and will have the employment fields pre-populated to reflect the most recently verified information in CWW. This is the income that is being used in the current FoodShare benefit calculation.

An adult food unit member must sign the interim report form.

To be considered timely, a SMRF must be returned to the local agency by the fifth day of the process month (month six). If the food unit fails to return a timely SMRF, FoodShare will close effective the last day of the process month at adverse action.

If verification is needed the member has 10 days to provide verification from the date it is requested. If verification is not returned timely, the FoodShare assistance group will close. A FoodShare assistance group closed prior to the end of the report month may reopen for month seven without a new application if requested verification is received prior to the end of month seven. Benefits will be prorated from the date all SMRF requirements are met.

...

Petitioner maintains that it is not fair to homeless individuals to not have a better system for notifying them of the need to submit the six month report form. I do note, however, that 3 notices were sent – the advance notice, the form itself and a denial notice with enough time left in the month to timely submit the report form.

There is no basis for reversing the agency decision.

CONCLUSIONS OF LAW

That Petitioner's FoodShare was correctly closed for lack of timely submission of a six month report form.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

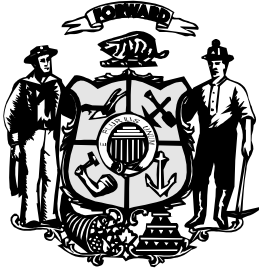
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES

IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 6th day of September, 2016

\s _____
David D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on September 6, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability